THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.23772 OF 1999

ORAL ORDER:

The petitioner herein was assigned an extent of Ac.1.75 cents of dry land situated in Sy.No.342/2A of Annareddypalem village of Sangam Mandal, Nellore District in the year 1976. It appears that some patta lands exist adjacent to the assigned land in a crisscross manner and to reach the said land, a cart track exists on the land assigned to the petitioner. However, after granting D-Form Patta, since the petitioner herein raised objection and restricted entry of other land owners, including the respondents 5 to 9 herein, certain disputes arose resulting in the order dated 16.6.1997 passed by the Revenue Divisional Officer providing a path way in the assigned land to enable the adjacent land owners to reach their lands. Aggrieved by the same, it appears that both the parties preferred Appeals and the 2nd respondent-Joint Collector disposed off the same slightly modifying the path way provided by the Revenue Divisional Officer. The said order was challenged by the petitioner herein before the Commissioner of Land Revenue, Andhra Pradesh, Hyderabad, who remanded the matter for fresh consideration by the Joint Collector. On remand, the Joint Collector passed order dated 12.5.1999 setting apart Ac.0.15 ¾ cents in S.No.342/2A from the assigned land for provision of cart track subject to the condition that market value of the land as well as the trees existing thereon is paid by the respondents 5 to 9 herein in accordance with the Land Acquisition Act. Against the said order, though a Revision was preferred before the Commissioner of Land Revenue, the same was dismissed on 2.11.1999 thereby confirming the order of the Joint Collector in toto. Hence, this writ petition.

I have heard the learned counsel for both the parties.

As could be seen from the material on record, by virtue of the impugned order, an extent of Ac.0.15¾ cents of land was set apart

from the assigned land of the petitioner for formation of a cart track, subject to the condition that the market value of the said land is paid by the respondents 5 to 9 herein in accordance with the provisions of the Land Acquisition Act, 1894.

However, the grievance of the writ petitioner is that formation of such path way would virtually divide the assigned land into two parts resulting in lot of hardship to the petitioner.

A counter-affidavit has been filed by the Mandal Revenue Officer, Sangam Mandal, stating that having taken note of the controversy raised by the petitioner a fresh sketch has been prepared so as to avoid any inconvenience to the assignee. A copy of the said sketch has also been enclosed to the counter-affidavit.

Having regard to the fact that the impugned orders were based on series of spot inspections conducted by the Revenue Divisional Officer as well as the Joint Collector, I do not find any justifiable reason to interfere with the impugned orders which reflected proper application of mind to various factual aspects.

However, since the Mandal Revenue Officer has now come up with a fresh sketch stating that the same would be more suitable and convenient to both the parties, I deem it appropriate to dispose of the writ petition with a direction to the Joint Collector to hear both the petitioner as well as the respondents 5 to 9 herein with regard to the feasibility of adopting the fresh sketch prepared by the Mandal Revenue Officer and pass appropriate orders in accordance with law, as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of a copy of this order. In case, the Joint Collector after such enquiry concludes that no modification is warranted to the path way already set apart in the assigned land, the order impugned in this writ petition shall stand good. No costs.

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7.12.2007.

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THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.23772 OF 1999

7th December, 2007.

Between:

Manimala Krishna Reddy. .. Petitioner.

And

The Commissioner of Land Revenue,
Hyderabad and others. .. Respondents.